
Penderfyniad ar yr Apêl

Ymweliad â safle a wnaed ar 18/12/17

**gan Declan Beggan BSc (Hons) MSc
DipTP DipMan MRTPI**

Arolygydd a benodir gan Weinidogion Cymru

Dyddiad: 02.02.18

Appeal Decision

Site visit made on 18/12/17

**by Declan Beggan BSc (Hons) MSc
DipTP DipMan MRTPI**

an Inspector appointed by the Welsh Ministers

Date: 02.02.18

Appeal Ref: APP/H6955/A/17/3188060

Site address: Land at Berse Road, New Broughton, Wrexham, LL11 6SL

The Welsh Ministers have transferred the authority to decide this appeal to me as the appointed Inspector.

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission.
 - The appeal is made by Mr & Mrs Beglin against the decision of Wrexham County Borough Council.
 - The application Ref BRO P/2017/0445, dated 23 May 2017, was refused by notice dated 31 July 2017.
 - The development proposed is the 'conversion of redundant barn to dwelling'.
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Decision

1. The appeal is dismissed.

Procedural Matters

2. The description of the proposed development varies slightly between that stated on the submitted planning application form and the Council's refusal notice; I have used the former description as it is more concise. In addition the site address varies marginally between the planning application form and that stated on the Council's refusal notice; I have used the latter as it is more accurate.

Main Issue

3. The main issue is whether the proposed development is justified in its rural location bearing in mind local and national planning policy and advice that collectively seek to control development in the countryside.

Reasons

4. The steel framed appeal building is located within open countryside to the south of Wrexham town. The external walls of the building are made up of concrete block work and corrugated metal sheeting, whilst the roof is formed of corrugated asbestos sheeting. The site which is set back well into a field is accessed via a gate from Berse Road. The site is within a green barrier as designated in the adopted Wrexham Unitary Development Plan (UDP).
 5. Policy H3 of the UDP permits the change of use or conversion of a building to residential use outside of settlement limits subject to a number of criteria being met, including, criteria (a), that in the case of an agricultural building there is no longer an
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agricultural need and alternative non-residential uses have proved inappropriate, and criteria (b), that the building is structurally sound and capable of conversion without extensive rebuilding tantamount to the erection of a new dwelling.

6. Local Planning Guidance Note No. 3 Converting Rural Buildings (LPGN3) supports and amplifies policy H3 and indicates that some buildings are unsuitable for conversion due to their size or form of construction, or if the proposals would involve rebuilding more than 10% of the walls if the roof structure needs to be rebuilt, or 20% of the walls if the roof structure is to be retained. The guidance also reinforces the need to demonstrate that there is no longer an agricultural need for the building and that alternative non-residential uses have proved inappropriate.
7. Planning Policy Wales Edition 9 (PPW) states that the reuse of buildings in a green belt or green wedge is not inappropriate provided that the original building is substantial, permanent and capable of conversion without major reconstruction. It also states the countryside, in line with sustainability principles should be conserved and where possible enhanced for its own sake and that new building in the open countryside that is away from existing settlements or areas allocated for development in development plans must continue to be strictly controlled. Technical Advice Note 23: Economic Development (TAN 23) states that if a building is unsuitable for conversion without extensive alteration or rebuilding, the same considerations relating to new house building in the open countryside will apply.
8. The appellants' state it is not entirely clear whether the building was ever justified for agricultural use and that it appears likely to have been erected to provide hay and storage for the grazing of horses, and that in any event it is not reasonably required in connection with the use of the land. However the submitted application form describes the building as a 'barn'; such a structure is defined in the dictionary as a building for the sheltering of livestock, storing of hay or other agricultural equipment used in connection with farming; in the absence of any substantive evidence to the contrary I consider the appeal building due to its size, appearance, method of construction, and location to be agriculture in nature.
9. Criteria (a) of Policy H3 requires that such buildings only be converted where there is no longer an agricultural need and alternative non-residential uses have proved inappropriate. The appellants' have provided little in the way of substantive evidence in this regard, with the submitted marketing evidence lacking in substance; to my mind the proposed development does not satisfy the requirements of policy H3 of the UDP and the advice as contained within LPGN3.
10. In terms of criteria (b) of policy H3, the building appears structurally sound, however, the policy also states that it should be capable of conversion without extensive rebuilding tantamount to the erection of a new dwelling. The submitted drawings indicate the proposed external appearance of the walls to the building would be timber cladding with a lower level of facing brickwork; the application form also indicates the roof materials would be replaced. The structural appraisal submitted with the application indicates that the building could be converted to a dwelling by enveloping the existing block walls with an extra skin of brickwork to create a cavity and the construction of a new strip foundation or the use of underpinning; in addition a significant number of new openings would be created in the structure to facilitate the fitting of doors, windows and roof lights. Contrary to the views of the appellants' I consider the works required to convert the building would be extensive and constitute a major reconstruction of the property; in effect the works would be tantamount to the construction of a new dwelling in the open countryside which has not been

justified, and which is therefore contrary to policy H3 of the UDP and LPGN3, in addition to national planning policy and guidance contained within PPW and TAN 23.

11. The appellants' appeal statement refers to the possibility of the conversion being carried out via the retention of the existing walls and the formation of a new internal insulated structure, however this would constitute a significant and material departure from the scheme as originally submitted to and determined by the Council; as a result I find that the Council would be prejudiced if the appeal were to proceed on the basis of such a significant change to the scheme. Therefore, I have determined the appeal on the basis of the plans as originally submitted to the Council. However, even if I were to accept that the existing walls were to be retained, there is no substantive evidence that the formation of a new internal insulated structure would not constitute extensive rebuilding tantamount to the erection of a new dwelling.
12. The Council does not have a 5 year supply of residential land as required by PPW. Clearly the lack of a 5 year supply is a significant material consideration that weighs in favour of the proposal. TAN 1¹, states that the need to increase supply should be given considerable weight when dealing with planning applications provided that the development would otherwise comply with the development plan and national policies. The proposed development of a single dwelling would only provide very modest benefits in terms of the contribution it would make to overall housing land supply. However any modest benefit of the proposal in terms of the contribution to housing land supply, or for that matter any other benefit put forward by the appellants' such as its sustainable location, use by a 'key worker' or use of materials, does not outweigh the significant shortcomings of the proposal and its conflict with local and national planning policies which seek to promote sustainable development and control the location of new residential development in the countryside.
13. In support of the proposal the appellants' have raised a number of other decisions that have been permitted by the Council in green barrier locations. I do not have the full details of those schemes and therefore cannot be certain that the circumstances are the same. In any event I have considered the appeal proposal on its own merits.

Conclusion

14. The proposed development has not been justified in its rural location, and would run contrary to local and national planning policy and advice that collectively seek to control development in the countryside in the interests of sustainable development.
15. In reaching my decision, I have taken into account the requirements of sections 3 and 5 of the Well Being of Future Generations (Wales) Act 2015. I consider that this decision is in accordance with the Act's sustainable development principle through its contribution towards the Welsh Ministers' well-being objective of supporting safe, cohesive and resilient communities.

Declan Beggan

INSPECTOR

¹ Technical Advice Note 1: Joint Housing Land Availability Studies 2015